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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 FURNITURE ROYAL, INC.,

8 Plaintiff(s),

9 v.

10 SCHNADIG INTERNATIONAL CORP,
11 et al.,

12 Defendant(s).

Case No. 2:18-CV-318 JCM (DJA)

ORDER

13
14 Presently before the court is Magistrate Judge Hoffman's report and recommendation
15 ("R&R"). (ECF No. 51).

16 Also before the court is Furniture Royal, Inc.'s ("plaintiff") motion to amend. (ECF No.
17 37). Shnadig International Corp. ("defendant") filed a response (ECF No. 40), to which plaintiff
18 replied (ECF No. 47).

19 Judge Hoffman found that plaintiff's proposed amendment was futile as to all claims
20 except those for fraudulent misrepresentation and breach of contract. (ECF No. 51 at 3).
21 Accordingly, Judge Hoffman recommends that plaintiff's motion to amend be granted as to the
22 fraudulent misrepresentation and breach of contract claims and denied as to the remainder. *Id.*

23 This court "may accept, reject, or modify, in whole or in part, the findings or
24 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects
25 to a magistrate judge's report and recommendation, then the court is required to "make a de novo
26 determination of those portions of the [report and recommendation] to which objection is made."
27 28 U.S.C. § 636(b)(1).
28

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made).

The parties did not object to Judge Hoffman's R&R; to the contrary, they have proceeded on plaintiff's latest amended complaint (ECF No. 53). Nevertheless, this court conducted a *de novo* review to determine whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation and attendant circumstances, this court finds good cause appears to adopt the magistrate judge's findings in full.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Judge Hoffman's R&R (ECF No. 51) be, and the same hereby is, ADOPTED.

IT IS FURTHER ORDERED that plaintiff's motion for leave to amend the complaint (ECF No. 37) be, and the same hereby is, GRANTED in part and DENIED in part, consistent with Judge Hoffman's R&R (ECF No. 51).

DATED February 26, 2020.

James C. Mahan
UNITED STATES DISTRICT JUDGE